

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JULIE A. SU, Acting Secretary of Labor, United States Department of Labor,

Petitioner,

v.

MICHAEL NULL, Individually and d/b/a ELITE TRUCKING AND EXCAVATION, and ELITE MOW & SNOW L.L.C. d/b/a ELITE TRUCKING AND EXCAVATION,

Respondents.

Case No. 6:24-mc-9001-MDH

ORDER DIRECTING RESPONDENTS TO APPEAR AND SHOW CAUSE

Upon Motion of Julie A. Su, the Acting Secretary of Labor, United States Department of Labor (the “Acting Secretary”), to compel Respondents Michael Null individually and d/b/a Elite Trucking and Excavation, and Elite Mow & Snow L.L.C. d/b/a Elite Trucking and Excavation to comply with the Acting Secretary’s administrative subpoenas *duces tecum* issued pursuant to Section 9 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.*, on April 16, 2024 and August 6, 2024, seeking documents relating to the United States Department of Labor, Wage and Hour Division’s investigation of Respondents, and for good cause shown:

IT IS HEREBY ORDERED that Respondents Michael Null individually and d/b/a Elite Trucking and Excavation, and Elite mow & snow L.L.C. d/b/a Elite Trucking and Excavation appear before the Honorable Judge Douglas Harpool in Courtroom 1 of the United States District Court for the Western District of Missouri at 11:30 o’clock a.m. on the fifth day of November, 2024, and show cause, if any there be, why an Order should not be entered requiring Respondents to produce the documents requested in the Acting Secretary’s subpoenas *duces tecum* by appearing before Ephraim J. Mufson, Assistant District Director, Wage and Hour

Division, St. Louis District Office, 1222 Spruce Street, 9.102B, St. Louis, MO 63103 or another designated representative of the Acting Secretary, as required by the April subpoena *duces tecum* served upon Respondent Michael Null on April 24, 2024, and as required by the August subpoena *duces tecum* served upon Respondent mow & snow L.L.C. on August 13, 2024 and served on its organizer Micheal Null on August 7, 2024.

It is further ORDERED that Respondents Michael Null individually and d/b/a Elite Trucking and Excavation, and Elite mow & snow L.L.C. d/b/a Elite Trucking and Excavation shall serve upon the Acting Secretary's counsel a written response to the Motion to Enforce Administrative Subpoenas and the Suggestions in Support, admitting or denying each allegation and setting forth the cause, if any there be, why the Motion should not be granted, by October 31, 2024.

The Clerk is directed to mail copies of this Order, the Motion to Enforce Administrative Subpoenas, and the Suggestions in Support with accompanying exhibits to:

Michael Null, individually and d/b/a Elite Trucking and Excavation, and
Elite mow & snow L.L.C. d/b/a Elite Trucking and Excavation
302 East 10th Street
Dixon, MO 65459

Elite mow & snow L.L.C. d/b/a Elite Trucking and Excavation
c/o Missouri Secretary of State
600 West Main
Jefferson City, MO 65101

The Clerk is further directed to provide the United States Marshal copies of this Order, the Motion to Enforce Administrative Subpoenas, and the Suggestions in Support with accompanying exhibits for service on Respondents at the following address:

Michael Null, individually and d/b/a Elite Trucking and Excavation, and
Elite mow & snow L.L.C. d/b/a Elite Trucking and Excavation
302 East 10th Street

Dixon, MO 65459

The Clerk is also directed to provide the United States Marshal with the accompanying USM FORM 285, Process Receipt and Return.

IT IS SO ORDERED.

DATED: October 17, 2024

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE